

1 **INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY**
2 **FOR MILITARY CHILDREN**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Gregory H. Hughes**

6 Senate Sponsor: Margaret Dayton

8 **LONG TITLE**

9 **General Description:**

10 This bill enacts the Interstate Compact on Educational Opportunity for Military
11 Children.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ enacts the Interstate Compact on Educational Opportunity for Military Children,
15 which includes provisions for transferring military children relating to:

- 16 • defining terms;
- 17 • applicability of the compact;
- 18 • transfer of educational records and enrollment;
- 19 • placement and attendance;
- 20 • eligibility for enrollment and extracurricular participation;
- 21 • graduation; and
- 22 • other administrative and legal parameters;
- 23 ▶ establishes the State Council on Military Children;
- 24 ▶ provides for the appointment of the state's representative on the Interstate
25 Commission on Educational Opportunity for Military Children; and
- 26 ▶ makes technical changes.

27 **Monies Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53A-1-611**, as last amended by Laws of Utah 2009, Chapter 277

34 **53A-3-402**, as last amended by Laws of Utah 2009, Chapters 277 and 388

35 **53A-11-302**, as last amended by Laws of Utah 2009, Chapter 277

36 **53A-11-504**, as last amended by Laws of Utah 2009, Chapter 277

37 ENACTS:

38 **53A-1-1001**, Utah Code Annotated 1953

39 **53A-1-1002**, Utah Code Annotated 1953

40 **53A-1-1003**, Utah Code Annotated 1953

41 REPEALS:

42 **53A-11-1401**, as enacted by Laws of Utah 2009, Chapter 277

43 **53A-11-1402**, as enacted by Laws of Utah 2009, Chapter 277

44 **53A-11-1403**, as enacted by Laws of Utah 2009, Chapter 277

45 **53A-11-1404**, as enacted by Laws of Utah 2009, Chapter 277



47 *Be it enacted by the Legislature of the state of Utah:*

48 Section 1. Section **53A-1-611** is amended to read:

49 **53A-1-611. Standards and assessment processes to measure student performance**
50 **-- Basic skills competency test.**

51 (1) The Legislature recognizes the need for the State Board of Education to develop
52 and implement standards and assessment processes to ensure that student progress is measured
53 and that school boards and school personnel are accountable.

54 (2) (a) In addition to its responsibilities under Sections 53A-1-603 through
55 53A-1-605, the State Board of Education, through the state superintendent of public
56 instruction, shall design a basic skills competency test to be administered in the tenth grade.

57 (b) Except as provided in Subsection (5) and Section [~~53A-11-1404~~] 53A-1-1001, a

58 student must pass the basic skills competency test, in addition to the established requirements
59 of the state and local board of education of the district in which the student attends school, in
60 order to receive a basic high school diploma of graduation.

61 (c) The state board shall include in the test, at a minimum, components on English
62 language arts and reading and mathematics.

63 (d) Except as provided in Subsection (5) and Section [~~53A-11-1404~~] 53A-1-1001, a
64 student who fails to pass all components of the test may not receive a basic high school
65 diploma but may receive a certificate of completion or alternative completion diploma under
66 rules made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah
67 Administrative Rulemaking Act.

68 (e) The state board shall make rules:

69 (i) to allow students who initially fail the test to retake all or part of the test; and

70 (ii) that take into account and are consistent with federal law relating to students with
71 disabilities in the administration of the test.

72 (3) The state board shall implement the tenth grade basic skills competency test, no
73 later than the beginning of the 2003-04 school year.

74 (4) The requirements of this section are to be complementary to the other achievement
75 testing provisions of this part.

76 (5) A student enrolled in a school district or charter school that is exempt from
77 administering the tenth grade basic skills competency test is subject to high school graduation
78 standards adopted by the State Board of Education pursuant to Section 53A-1-603.

79 Section 2. Section **53A-1-1001** is enacted to read:

80 **Part 10. Interstate Compact on Educational Opportunity for Military Children**

81 **53A-1-1001. Interstate Compact on Educational Opportunity for Military**

82 **Children.**

83 ARTICLE I

84 PURPOSE

85 It is the purpose of this compact to remove barriers to educational success imposed on

86 children of military families because of frequent moves and deployment of their parents by:

87 A. Facilitating the timely enrollment of children of military families and ensuring that
88 they are not placed at a disadvantage due to difficulty in the transfer of education records from
89 the previous school district or variations in entrance or age requirements.

90 B. Facilitating the student placement process through which children of military
91 families are not disadvantaged by variations in attendance requirements, scheduling,
92 sequencing, grading, course content, or assessment.

93 C. Facilitating the qualification and eligibility for enrollment, educational programs,
94 and participation in extracurricular academic, athletic, and social activities.

95 D. Facilitating the on-time graduation of children of military families.

96 E. Providing for the promulgation and enforcement of administrative rules
97 implementing the provisions of this compact.

98 F. Providing for the uniform collection and sharing of information between and among
99 member states, schools, and military families under this compact.

100 G. Promoting coordination between this compact and other compacts affecting
101 military children.

102 H. Promoting flexibility and cooperation between the educational system, parents, and
103 the student in order to achieve educational success for the student.

104 ARTICLE II

105 DEFINITIONS

106 As used in this compact, unless the context clearly requires a different construction:

107 A. "Active duty" means: full-time duty status in the active uniformed service of the
108 United States, including members of the National Guard and Reserve on active duty orders
109 pursuant to 10 U.S.C. Sections 1209 and 1211.

110 B. "Children of military families" means: a school-aged child, enrolled in
111 Kindergarten through Twelfth grade, in the household of an active duty member.

112 C. "Compact commissioner" means: the voting representative of each compacting
113 state appointed pursuant to Article VIII of this compact.

114 D. "Deployment" means: the period one month prior to the service members' departure
115 from their home station on military orders though six months after return to their home station.

116 E. "Education" or "educational records" means: those official records, files, and data
117 directly related to a student and maintained by the school or local education agency, including
118 but not limited to records encompassing all the material kept in the student's cumulative folder
119 such as general identifying data, records of attendance and of academic work completed,
120 records of achievement and results of evaluative tests, health data, disciplinary status, test
121 protocols, and individualized education programs.

122 F. "Extracurricular activities" means: a voluntary activity sponsored by the school or
123 local education agency or an organization sanctioned by the local education agency.
124 Extracurricular activities include, but are not limited to, preparation for and involvement in
125 public performances, contests, athletic competitions, demonstrations, displays, and club
126 activities.

127 G. "Interstate Commission on Educational Opportunity for Military Children" means:
128 the commission that is created under Article IX of this compact, which is generally referred to
129 as Interstate Commission.

130 H. "Local education agency" means: a public authority legally constituted by the state
131 as an administrative agency to provide control of and direction for Kindergarten through
132 Twelfth grade public educational institutions.

133 I. "Member state" means: a state that has enacted this compact.

134 J. "Military installation" means: a base, camp, post, station, yard, center, homeport
135 facility for any ship, or other activity under the jurisdiction of the Department of Defense,
136 including any leased facility, which is located within any of the several states, the District of
137 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American
138 Samoa, the Northern Marianas Islands, and any other U.S. Territory. Such term does not
139 include any facility used primarily for civil works, rivers and harbors projects, or flood control
140 projects.

141 K. "Non-member state" means: a state that has not enacted this compact.

142 L. "Receiving state" means: the state to which a child of a military family is sent,
143 brought, or caused to be sent or brought.

144 M. "Rule" means: a written statement by the Interstate Commission promulgated
145 pursuant to Article XII of this compact that is of general applicability, implements, interprets,
146 or prescribes a policy or provision of the compact, or an organizational, procedural, or practice
147 requirement of the Interstate Commission, and has the force and effect of a rule promulgated
148 under Utah Code Annotated Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
149 includes the amendment, repeal, or suspension of an existing rule.

150 N. "Sending state" means: the state from which a child of a military family is sent,
151 brought, or caused to be sent or brought.

152 O. "State" means: a state of the United States, the District of Columbia, the
153 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the
154 Northern Marianas Islands, and any other U.S. Territory.

155 P. "Student" means: the child of a military family for whom the local education agency
156 receives public funding and who is formally enrolled in Kindergarten through Twelfth grade.

157 Q. "Transition" means: 1) the formal and physical process of transferring from school
158 to school; or 2) the period of time in which a student moves from one school in the sending
159 state to another school in the receiving state.

160 R. "Uniformed service" means: the Army, Navy, Air Force, Marine Corps, Coast
161 Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric
162 Administration, and Public Health Services.

163 S. "Veteran" means: a person who served in the uniformed services and who was
164 discharged or released therefrom under conditions other than dishonorable.

165 ARTICLE III

166 APPLICABILITY

167 A. Except as otherwise provided in Section B, this compact shall apply to the children
168 of:

169 1. active duty members of the uniformed services as defined in this compact,

170 including members of the National Guard and Reserve on active duty orders pursuant to 10
171 U.S.C. Sections 1209 and 1211;

172 2. members or veterans of the uniformed services who are severely injured and
173 medically discharged or retired for a period of one year after medical discharge or retirement;
174 and

175 3. members of the uniformed services who die on active duty or as a result of injuries
176 sustained on active duty for a period of one year after death.

177 B. The provisions of this interstate compact shall only apply to local education
178 agencies as defined in this compact.

179 C. The provisions of this compact shall not apply to the children of:

- 180 1. inactive members of the national guard and military reserves;
- 181 2. members of the uniformed services now retired, except as provided in Section A;
- 182 3. veterans of the uniformed services, except as provided in Section A, and other U.S.
183 Dept. of Defense personnel and other federal agency civilian and contract employees not
184 defined as active duty members of the uniformed services.

185 ARTICLE IV

186 EDUCATIONAL RECORDS & ENROLLMENT

187 A. Unofficial or "hand-carried" education records -- In the event that official education
188 records cannot be released to the parents for the purpose of transfer, the custodian of the
189 records in the sending state shall prepare and furnish to the parent a complete set of unofficial
190 educational records containing uniform information as determined by the Interstate
191 Commission. Upon receipt of the unofficial education records by a school in the receiving
192 state, the school shall enroll and appropriately place the student based on the information
193 provided in the unofficial records pending validation by the official records, as quickly as
194 possible.

195 B. Official education records or transcripts -- Simultaneous with the enrollment and
196 conditional placement of the student, the school in the receiving state shall request the
197 student's official education record from the school in the sending state. Upon receipt of this

198 request, the school in the sending state will process and furnish the official education records
199 to the school in the receiving state within 10 days or within such time as is reasonably
200 determined under the rules promulgated by the Interstate Commission.

201 C. Immunizations -- Compacting states shall give 30 days from the date of enrollment
202 or within such time as is reasonably determined under the rules promulgated by the Interstate
203 Commission, for students to obtain any immunization required by the receiving state. For a
204 series of immunizations, initial vaccinations must be obtained within 30 days or within such
205 time as is reasonably determined under the rules promulgated by the Interstate Commission.

206 D. Kindergarten and First grade entrance age -- Students shall be allowed to continue
207 their enrollment at grade level in the receiving state commensurate with their grade level,
208 including Kindergarten, from a local education agency in the sending state at the time of
209 transition, regardless of age. A student that has satisfactorily completed the prerequisite grade
210 level in the local education agency in the sending state shall be eligible for enrollment in the
211 next highest grade level in the receiving state, regardless of age. Students transferring after the
212 start of the school year in the receiving state shall enter the school in the receiving state on
213 their validated level from an accredited school in the sending state.

214 ARTICLE V

215 PLACEMENT & ATTENDANCE

216 A. Course placement -- When the student transfers before or during the school year,
217 the receiving state school shall initially honor placement of the student in educational courses
218 based on the student's enrollment in the sending state school and/or educational assessments
219 conducted at the school in the sending state if the courses are offered. Course placement
220 includes but is not limited to Honors, International Baccalaureate, Advanced Placement,
221 vocational, technical, and career pathways courses. Continuing the student's academic
222 program from the previous school and promoting placement in academically and career
223 challenging courses should be paramount when considering placement. This does not
224 preclude the school in the receiving state from performing subsequent evaluations to ensure
225 appropriate placement and continued enrollment of the student in the course.

226 B. Educational program placement -- The receiving state school shall initially honor
227 placement of the student in educational programs based on current educational assessments
228 conducted at the school in the sending state or participation or placement in like programs in
229 the sending state. Such programs include, but are not limited to: 1) gifted and talented
230 programs; and 2) English as a second language (ESL). This does not preclude the school in
231 the receiving state from performing subsequent evaluations to ensure appropriate placement of
232 the student.

233 C. Special education services -- 1) In compliance with the federal requirements of the
234 Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400 et seq., the
235 receiving state shall initially provide comparable services to a student with disabilities based
236 on the student's current Individualized Education Program (IEP); and 2) In compliance with
237 the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. Section 794, and with
238 Title II of the Americans with Disabilities Act, 42 U.S.C. Sections 12131-12165, the receiving
239 state shall make reasonable accommodations and modifications to address the needs of
240 incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the
241 student with equal access to education. This does not preclude the school in the receiving
242 state from performing subsequent evaluations to ensure appropriate placement of the student.

243 D. Placement flexibility -- Local education agency administrative officials shall have
244 flexibility in waiving course or program prerequisites, or other preconditions for placement, in
245 courses or programs offered under the jurisdiction of the local education agency.

246 E. Absence as related to deployment activities -- A student whose parent or legal
247 guardian is an active duty member of the uniformed services, as defined by the compact, and
248 has been called to duty for, is on leave from, or immediately returned from deployment to a
249 combat zone or combat support posting, shall be granted additional excused absences at the
250 discretion of the local education agency superintendent to visit with his or her parent or legal
251 guardian relative to such leave or deployment of the parent or guardian.

252 ARTICLE VI

253 ELIGIBILITY

254 A. Eligibility for enrollment.

255 1. Special power of attorney, relative to the guardianship of a child of a military family
256 and executed under applicable law, shall be sufficient for the purposes of enrollment and all
257 other actions requiring parental participation and consent.

258 2. A local education agency shall be prohibited from charging local tuition to a
259 transitioning military child placed in the care of a non-custodial parent or other person
260 standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

261 3. A transitioning military child, placed in the care of a non-custodial parent or other
262 person standing in loco parentis who lives in a jurisdiction other than that of the custodial
263 parent, may continue to attend the school in which the student was enrolled while residing
264 with the custodial parent.

265 B. Eligibility for extracurricular participation -- State and local education agencies
266 shall facilitate the opportunity for transitioning military children's inclusion in extracurricular
267 activities, regardless of application deadlines, to the extent they are otherwise qualified.

268 ARTICLE VII

269 GRADUATION

270 In order to facilitate the on-time graduation of children of military families, states and
271 local education agencies shall incorporate the following procedures:

272 A. Waiver requirements -- Local education agency administrative officials shall waive
273 specific courses required for graduation if similar coursework has been satisfactorily
274 completed in another local education agency or shall provide reasonable justification for
275 denial. Should a waiver not be granted to a student who would qualify to graduate from the
276 sending school, the local education agency shall provide an alternative means of acquiring
277 required coursework so that graduation may occur on time.

278 B. Exit exams -- States shall accept: 1) exit or end-of-course exams required for
279 graduation from the sending state; 2) national norm-referenced achievement tests; or 3)
280 alternative testing, in lieu of testing requirements for graduation in the receiving state. In the
281 event the above alternatives cannot be accommodated by the receiving state for a student

282 transferring in the student's Senior year, then the provisions of Article VII, Section C shall
283 apply.

284 C. Transfers during Senior year -- Should a military student transferring at the
285 beginning or during the student's Senior year be ineligible to graduate from the receiving local
286 education agency after all alternatives have been considered, the sending and receiving local
287 education agencies shall ensure the receipt of a diploma from the sending local education
288 agency, if the student meets the graduation requirements of the sending local education
289 agency. In the event that one of the states in question is not a member of this compact, the
290 member state shall use best efforts to facilitate the on-time graduation of the student in
291 accordance with Sections A and B of this Article.

292 ARTICLE VIII

293 STATE COORDINATION

294 A. Each member state shall, through the creation of a State Council or use of an
295 existing body or board, provide for the coordination among its agencies of government, local
296 education agencies, and military installations concerning the state's participation in, and
297 compliance with, this compact and Interstate Commission activities. While each member state
298 may determine the membership of its own State Council, its membership must include at least:
299 the state superintendent of education, superintendent of a school district with a high
300 concentration of military children, representative from a military installation, one
301 representative each from the legislative and executive branches of government, and other
302 offices and stakeholder groups the State Council deems appropriate. A member state that does
303 not have a school district deemed to contain a high concentration of military children may
304 appoint a superintendent from another school district to represent local education agencies on
305 the State Council.

306 B. The State Council of each member state shall appoint or designate a military family
307 education liaison to assist military families and the state in facilitating the implementation of
308 this compact.

309 C. The compact commissioner responsible for the administration and management of

310 the state's participation in the compact shall be appointed by the Governor or as otherwise
311 determined by each member state.

312 D. The compact commissioner and the military family education liaison designated
313 herein shall be ex-officio members of the State Council, unless either is already a full voting
314 member of the State Council.

315 ARTICLE IX

316 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY
317 CHILDREN

318 The member states hereby create the "Interstate Commission on Educational
319 Opportunity for Military Children." The activities of the Interstate Commission are the
320 formation of public policy and are a discretionary state function. The Interstate Commission
321 shall:

322 A. Be a body corporate and joint agency of the member states and shall have all the
323 responsibilities, powers, and duties set forth herein, and such additional powers as may be
324 conferred upon it by a subsequent concurrent action of the respective legislatures of the
325 member states in accordance with the terms of this compact.

326 B. Consist of one Interstate Commission voting representative from each member state
327 who shall be that state's compact commissioner.

328 1. Each member state represented at a meeting of the Interstate Commission is entitled
329 to one vote.

330 2. A majority of the total member states shall constitute a quorum for the transaction
331 of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

332 3. A representative shall not delegate a vote to another member state. In the event the
333 compact commissioner is unable to attend a meeting of the Interstate Commission, the
334 Governor or State Council may delegate voting authority to another person from their state for
335 a specified meeting.

336 4. The bylaws may provide for meetings of the Interstate Commission to be conducted
337 by telecommunication or electronic communication.

338 C. Consist of ex-officio, non-voting representatives who are members of interested
339 organizations. Such ex-officio members, as defined in the bylaws, may include but not be
340 limited to, members of the representative organizations of military family advocates, local
341 education agency officials, parent and teacher groups, the U.S. Department of Defense, the
342 Education Commission of the States, the Interstate Agreement on the Qualification of
343 Educational Personnel, and other interstate compacts affecting the education of children of
344 military members.

345 D. Meet at least once each calendar year. The chairperson may call additional
346 meetings and, upon the request of a simple majority of the member states, shall call additional
347 meetings.

348 E. Establish an executive committee, whose members shall include the officers of the
349 Interstate Commission and such other members of the Interstate Commission as determined by
350 the bylaws. Members of the executive committee shall serve a one-year term. Members of the
351 executive committee shall be entitled to one vote each. The executive committee shall have
352 the power to act on behalf of the Interstate Commission, with the exception of rulemaking,
353 during periods when the Interstate Commission is not in session. The executive committee
354 shall oversee the day-to-day activities of the administration of the compact including
355 enforcement and compliance with the provisions of the compact, its bylaws and rules, and
356 other such duties as deemed necessary. The U.S. Dept. of Defense shall serve as an ex-officio,
357 nonvoting member of the executive committee.

358 F. Establish bylaws and rules that provide for conditions and procedures under which
359 the Interstate Commission shall make its information and official records available to the
360 public for inspection or copying. The Interstate Commission may exempt from disclosure
361 information or official records to the extent they would adversely affect personal privacy rights
362 or proprietary interests.

363 G. Give public notice of all meetings and all meetings shall be open to the public,
364 except as set forth in the rules or as otherwise provided in the compact. The Interstate
365 Commission and its committees may close a meeting, or portion thereof, where it determines

366 by two-thirds vote that an open meeting would be likely to:

367 1. relate solely to the Interstate Commission's internal personnel practices and
368 procedures;

369 2. disclose matters specifically exempted from disclosure by federal and state statute;

370 3. disclose trade secrets or commercial or financial information which is privileged or
371 confidential;

372 4. involve accusing a person of a crime, or formally censuring a person;

373 5. disclose information of a personal nature where disclosure would constitute a
374 clearly unwarranted invasion of personal privacy;

375 6. disclose investigative records compiled for law enforcement purposes; or

376 7. specifically relate to the Interstate Commission's participation in a civil action or
377 other legal proceeding.

378 H. Shall cause its legal counsel or designee to certify that a meeting may be closed and
379 shall reference each relevant exemptible provision for any meeting, or portion of a meeting,
380 which is closed pursuant to this provision. The Interstate Commission shall keep minutes
381 which shall fully and clearly describe all matters discussed in a meeting and shall provide a
382 full and accurate summary of actions taken, and the reasons therefore, including a description
383 of the views expressed and the record of a roll call vote. All documents considered in
384 connection with an action shall be identified in such minutes. All minutes and documents of a
385 closed meeting shall remain under seal, subject to release by a majority vote of the Interstate
386 Commission.

387 I. Shall collect standardized data concerning the educational transition of the children
388 of military families under this compact as directed through its rules which shall specify the
389 data to be collected, the means of collection, and data exchange and reporting requirements.
390 Such methods of data collection, exchange, and reporting shall, in so far as is reasonably
391 possible, conform to current technology and coordinate its information functions with the
392 appropriate custodian of records as identified in the bylaws and rules.

393 J. Shall create a process that permits military officials, education officials, and parents

394 to inform the Interstate Commission if and when there are alleged violations of the compact or
395 its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed
396 by the state or local education agency. This section shall not be construed to create a private
397 right of action against the Interstate Commission or any member state.

398 ARTICLE X

399 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

400 The Interstate Commission shall have the following powers:

401 A. To provide for dispute resolution among member states.

402 B. To promulgate rules and take all necessary actions to effect the goals, purposes, and
403 obligations as enumerated in this compact. The rules shall have the force and effect of rules
404 promulgated under Utah Code Annotated Title 63G, Chapter 3, Utah Administrative
405 Rulemaking Act, and shall be binding in the compact states to the extent and in the manner
406 provided in this compact.

407 C. To issue, upon request of a member state, advisory opinions concerning the
408 meaning or interpretation of the interstate compact, its bylaws, rules, and actions.

409 D. To monitor compliance with the compact provisions, the rules promulgated by the
410 Interstate Commission, and the bylaws. Any action to enforce compliance with the compact
411 provision by the Interstate Commission shall be brought against a member state only.

412 E. To establish and maintain offices which shall be located within one or more of the
413 member states.

414 F. To purchase and maintain insurance and bonds.

415 G. To borrow, accept, hire, or contract for services of personnel.

416 H. To establish and appoint committees including, but not limited to, an executive
417 committee as required by Article IX, Section E, which shall have the power to act on behalf of
418 the Interstate Commission in carrying out its powers and duties hereunder.

419 I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to
420 fix their compensation, define their duties and determine their qualifications, and to establish
421 the Interstate Commission's personnel policies and programs relating to conflicts of interest,

422 rates of compensation, and qualifications of personnel.

423 J. To accept any and all donations and grants of money, equipment, supplies,
424 materials, and services, and to receive, utilize, and dispose of it.

425 K. To lease, purchase, accept contributions, or donations of, or otherwise to own, hold,
426 improve, or use any property - real, personal, or mixed.

427 L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
428 of any property - real, personal, or mixed.

429 M. To establish a budget and make expenditures.

430 N. To adopt a seal and bylaws governing the management and operation of the
431 Interstate Commission.

432 O. To report annually to the legislatures, governors, judiciary, and state councils of the
433 member states concerning the activities of the Interstate Commission during the preceding
434 year. Such reports shall also include any recommendations that may have been adopted by the
435 Interstate Commission.

436 P. To coordinate education, training, and public awareness regarding the compact and
437 its implementation and operation for officials and parents involved in such activity.

438 Q. To establish uniform standards for the reporting, collecting, and exchanging of
439 data.

440 R. To maintain corporate books and records in accordance with the bylaws.

441 S. To perform such functions as may be necessary or appropriate to achieve the
442 purposes of this compact.

443 T. To provide for the uniform collection and sharing of information between and
444 among member states, schools, and military families under this compact.

445 ARTICLE XI

446 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

447 A. The Interstate Commission shall, by a majority of the members present and voting,
448 within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its
449 conduct as may be necessary or appropriate to carry out the purposes of the compact.

450 including, but not limited to:

451 1. establishing the fiscal year of the Interstate Commission;

452 2. establishing an executive committee, and such other committees as may be
453 necessary;

454 3. providing for the establishment of committees and for governing any general or
455 specific delegation of authority or function of the Interstate Commission;

456 4. providing reasonable procedures for calling and conducting meetings of the
457 Interstate Commission, and ensuring reasonable notice of each such meeting;

458 5. establishing the titles and responsibilities of the officers and staff of the Interstate
459 Commission;

460 6. providing a mechanism for concluding the operations of the Interstate Commission
461 and the return of surplus funds that may exist upon the termination of the compact after the
462 payment and reserving of all of its debts and obligations; and

463 7. providing "start up" rules for initial administration of the compact.

464 B. The Interstate Commission shall, by a majority of the members, elect annually from
465 among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall
466 have such authority and duties as may be specified in the bylaws. The chairperson or, in the
467 chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the
468 Interstate Commission. The officers so elected shall serve without compensation or
469 remuneration from the Interstate Commission; provided that, subject to the availability of
470 budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses
471 incurred by them in the performance of their responsibilities as officers of the Interstate
472 Commission.

473 C. Executive Committee, Officers, and Personnel.

474 1. The executive committee shall have such authority and duties as may be set forth in
475 the bylaws, including, but not limited to:

476 a. managing the affairs of the Interstate Commission in a manner consistent with the
477 bylaws and purposes of the Interstate Commission;

478 b. overseeing an organizational structure within, and appropriate procedures for the
479 Interstate Commission to provide for the creation of rules, operating procedures, and
480 administrative and technical support functions; and

481 c. planning, implementing, and coordinating communications and activities with other
482 state, federal, and local government organizations in order to advance the goals of the
483 Interstate Commission.

484 2. The executive committee may, subject to the approval of the Interstate Commission,
485 appoint or retain an executive director for such period, upon such terms and conditions and for
486 such compensation, as the Interstate Commission may deem appropriate. The executive
487 director shall serve as secretary to the Interstate Commission, but shall not be a member of the
488 Interstate Commission. The executive director shall hire and supervise such other persons as
489 may be authorized by the Interstate Commission.

490 D. The Interstate Commission's executive director and its employees shall be immune
491 from suit and liability, either personally or in their official capacity, for a claim for damage to
492 or loss of property or personal injury or other civil liability caused or arising out of or relating
493 to an actual or alleged act, error, or omission that occurred, or that such person had a
494 reasonable basis for believing occurred, within the scope of Interstate Commission
495 employment, duties, or responsibilities; provided that, such person shall not be protected from
496 suit or liability for damage, loss, injury, or liability caused by the intentional or willful and
497 wanton misconduct of such person.

498 1. The liability of the Interstate Commission's executive director and employees or
499 Interstate Commission representatives, acting within the scope of such person's employment or
500 duties for acts, errors, or omissions occurring within such person's state may not exceed the
501 limits of liability set forth under the Constitution and laws of that state for state officials,
502 employees, and agents. The Interstate Commission is considered to be an instrumentality of
503 the states for the purposes of any such action. Nothing in this subsection shall be construed to
504 protect such person from suit or liability for damage, loss, injury, or liability caused by the
505 intentional or willful and wanton misconduct of such person.

534 Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the
535 operations of the Interstate Commission.

536 C. Not later than 30 days after a rule is promulgated, any person may file a petition for
537 judicial review of the rule; provided that, the filing of such a petition shall not stay or
538 otherwise prevent the rule from becoming effective unless the court finds that the petitioner
539 has a substantial likelihood of success. The court shall give deference to the actions of the
540 Interstate Commission consistent with applicable law and shall not find the rule to be unlawful
541 if the rule represents a reasonable exercise of the Interstate Commission's authority.

542 D. If a majority of the legislatures of the compacting states rejects a rule by enactment
543 of a statute or resolution in the same manner used to adopt the compact, then such rule shall
544 have no further force and effect in any compacting state.

545 ARTICLE XIII

546 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

547 A. Oversight.

548 1. Each member state shall enforce this compact to effectuate the compact's purposes
549 and intent. The provisions of this compact and the rules promulgated hereunder shall have
550 standing as a rule promulgated under Utah Code Annotated Title 63G, Chapter 3, Utah
551 Administrative Rulemaking Act.

552 2. All courts shall take judicial notice of the compact and the rules in any judicial or
553 administrative proceeding in a member state pertaining to the subject matter of this compact
554 which may affect the powers, responsibilities, or actions of the Interstate Commission.

555 3. The Interstate Commission shall be entitled to receive all service of process in any
556 such proceeding, and shall have standing to intervene in the proceeding for all purposes.
557 Failure to provide service of process to the Interstate Commission shall render a judgment or
558 order void as to the Interstate Commission, this compact, or promulgated rules.

559 B. Default, Technical Assistance, Suspension, and Termination -- If the Interstate
560 Commission determines that a member state has defaulted in the performance of its
561 obligations or responsibilities under this compact, or the bylaws or promulgated rules, the

562 Interstate Commission shall:

563 1. Provide written notice to the defaulting state and other member states, of the nature
564 of the default, the means of curing the default, and any action taken by the Interstate
565 Commission. The Interstate Commission shall specify the conditions by which the defaulting
566 state must cure its default.

567 2. Provide remedial training and specific technical assistance regarding the default.

568 3. If the defaulting state fails to cure the default, the defaulting state shall be
569 terminated from the compact upon an affirmative vote of a majority of the member states and
570 all rights, privileges, and benefits conferred by this compact shall be terminated from the
571 effective date of termination. A cure of the default does not relieve the offending state of
572 obligations or liabilities incurred during the period of the default.

573 4. Suspension or termination of membership in the compact shall be imposed only
574 after all other means of securing compliance have been exhausted. Notice of intent to suspend
575 or terminate shall be given by the Interstate Commission to the Governor, the majority and
576 minority leaders of the defaulting state's legislature, and each of the member states.

577 5. The state which has been suspended or terminated is responsible for all
578 assessments, obligations, and liabilities incurred through the effective date of suspension or
579 termination, not to exceed \$5,000 per year, as provided in Article XIV, Subsection E, for each
580 year that this state is a member of the compact.

581 6. The Interstate Commission shall not bear any costs relating to any state that has
582 been found to be in default or which has been suspended or terminated from the compact,
583 unless otherwise mutually agreed upon in writing between the Interstate Commission and the
584 defaulting state.

585 7. The defaulting state may appeal the action of the Interstate Commission by
586 petitioning the U.S. District Court for the District of Columbia or the federal district where the
587 Interstate Commission has its principal offices. The prevailing party shall be awarded all costs
588 of such litigation including reasonable attorney fees.

589 C. Dispute Resolution.

590 1. The Interstate Commission shall attempt, upon the request of a member state, to
591 resolve disputes which are subject to the compact and which may arise among member states
592 and between member and non-member states.

593 2. The Interstate Commission shall promulgate a rule providing for both mediation
594 and binding dispute resolution for disputes as appropriate.

595 ARTICLE XIV

596 FINANCING OF THE INTERSTATE COMMISSION

597 A. The Interstate Commission shall pay or provide for the payment of the reasonable
598 expenses of its establishment, organization, and ongoing activities.

599 B. In accordance with the funding limit established in Subsection E, the Interstate
600 Commission may levy and collect an annual assessment from each member state to cover the
601 cost of the operations and activities of the Interstate Commission and its staff which must be
602 in a total amount sufficient to cover the Interstate Commission's annual budget as approved
603 each year. The aggregate annual assessment amount shall be allocated based upon a formula
604 to be determined by the Interstate Commission, which shall promulgate a rule binding upon all
605 member states.

606 C. The Interstate Commission shall not incur obligations of any kind prior to securing
607 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of
608 any of the member states, except by and with the authority of the member state.

609 D. The Interstate Commission shall keep accurate accounts of all receipts and
610 disbursements. The receipts and disbursements of the Interstate Commission shall be subject
611 to the audit and accounting procedures established under its bylaws. However, all receipts and
612 disbursements of funds handled by the Interstate Commission shall be audited yearly by a
613 certified or licensed public accountant and the report of the audit shall be included in and
614 become part of the annual report of the Interstate Commission.

615 E. The Interstate Commission may not assess, levy, or collect more than \$5,000 per
616 year from Utah legislative appropriations. Other funding sources may be accepted and used to
617 offset expenses related to the state's participation in the compact.

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ARTICLE XV

MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 10 of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states.

C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI

WITHDRAWAL AND DISSOLUTION

A. Withdrawal.

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that, a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, not to exceed \$5,000 per year, as provided in Article XIV, Subsection E, for each year that this state is a member of the compact.

674 limits imposed on the legislature of any member state, such provision shall be ineffective to
675 the extent of the conflict with the statutory or constitutional provision in question in that
676 member state.

677 Section 3. Section **53A-1-1002** is enacted to read:

678 **53A-1-1002. Creation of State Council on Military Children.**

679 (1) There is established a State Council on Military Children, as required in Article
680 VIII of Section 53A-1-1001.

681 (2) The members of the State Council on Military Children shall include:

682 (a) the state superintendent of public instruction;

683 (b) a superintendent of a school district with a high concentration of military children
684 appointed by the governor;

685 (c) a representative from a military installation, appointed by the governor;

686 (d) one member of the House of Representatives, appointed by the speaker of the
687 House;

688 (e) one member of the Senate, appointed by the president of the Senate;

689 (f) a representative from the Department of Veterans' Affairs, appointed by the
690 governor;

691 (g) a military family education liaison, appointed by the members listed in Subsections
692 (2)(a) through (f);

693 (h) the compact commissioner, appointed in accordance with Section 53A-1-1003;

694 and

695 (i) other members as determined by the governor.

696 (3) The State Council on Military Children shall carry out the duties established in
697 Section 53A-1-1001.

698 (4) Members may not receive compensation or per diem.

699 Section 4. Section **53A-1-1003** is enacted to read:

700 **53A-1-1003. Appointment of compact commissioner.**

701 The governor, with the consent of the Senate, shall appoint a compact commissioner to

702 carry out the duties described in Section 53A-1-1001.

703 Section 5. Section **53A-3-402** is amended to read:

704 **53A-3-402. Powers and duties generally.**

705 (1) Each local school board shall:

706 (a) implement the core curriculum utilizing instructional materials that best correlate
707 to the core curriculum and graduation requirements;

708 (b) administer tests, required by the State Board of Education, which measure the
709 progress of each student, and coordinate with the state superintendent and State Board of
710 Education to assess results and create plans to improve the student's progress which shall be
711 submitted to the State Office of Education for approval;

712 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
713 students that need remediation and determine the type and amount of federal, state, and local
714 resources to implement remediation;

715 (d) develop early warning systems for students or classes failing to make progress;

716 (e) work with the State Office of Education to establish a library of documented best
717 practices, consistent with state and federal regulations, for use by the local districts; and

718 (f) implement training programs for school administrators, including basic
719 management training, best practices in instructional methods, budget training, staff
720 management, managing for learning results and continuous improvement, and how to help
721 every child achieve optimal learning in core academics.

722 (2) Local school boards shall spend minimum school program funds for programs and
723 activities for which the State Board of Education has established minimum standards or rules
724 under Section 53A-1-402.

725 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
726 and equipment and construct, erect, and furnish school buildings.

727 (b) School sites or buildings may only be conveyed or sold on board resolution
728 affirmed by at least two-thirds of the members.

729 (4) (a) A board may participate in the joint construction or operation of a school

730 attended by children residing within the district and children residing in other districts either
731 within or outside the state.

732 (b) Any agreement for the joint operation or construction of a school shall:

733 (i) be signed by the president of the board of each participating district;

734 (ii) include a mutually agreed upon pro rata cost; and

735 (iii) be filed with the State Board of Education.

736 (5) A board may establish, locate, and maintain elementary, secondary, and applied
737 technology schools.

738 (6) Except as provided in [~~Subsection 53A-11-1402(3)~~] Section 53A-1-1001, a board
739 may enroll children in school who are at least five years of age before September 2 of the year
740 in which admission is sought.

741 (7) A board may establish and support school libraries.

742 (8) A board may collect damages for the loss, injury, or destruction of school property.

743 (9) A board may authorize guidance and counseling services for children and their
744 parents or guardians prior to, during, or following enrollment of the children in schools.

745 (10) (a) A board shall administer and implement federal educational programs in
746 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

747 (b) Federal funds are not considered funds within the school district budget under Title
748 53A, Chapter 19, School District Budgets.

749 (11) (a) A board may organize school safety patrols and adopt rules under which the
750 patrols promote student safety.

751 (b) A student appointed to a safety patrol shall be at least 10 years old and have
752 written parental consent for the appointment.

753 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
754 of a highway intended for vehicular traffic use.

755 (d) Liability may not attach to a school district, its employees, officers, or agents or to
756 a safety patrol member, a parent of a safety patrol member, or an authorized volunteer
757 assisting the program by virtue of the organization, maintenance, or operation of a school

758 safety patrol.

759 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
760 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
761 devises, or bequests that are made for educational purposes.

762 (b) These contributions are not subject to appropriation by the Legislature.

763 (13) (a) A board may appoint and fix the compensation of a compliance officer to
764 issue citations for violations of Subsection 76-10-105(2).

765 (b) A person may not be appointed to serve as a compliance officer without the
766 person's consent.

767 (c) A teacher or student may not be appointed as a compliance officer.

768 (14) A board shall adopt bylaws and rules for its own procedures.

769 (15) (a) A board shall make and enforce rules necessary for the control and
770 management of the district schools.

771 (b) All board rules and policies shall be in writing, filed, and referenced for public
772 access.

773 (16) A board may hold school on legal holidays other than Sundays.

774 (17) (a) Each board shall establish for each school year a school traffic safety
775 committee to implement this Subsection (17).

776 (b) The committee shall be composed of one representative of:

777 (i) the schools within the district;

778 (ii) the Parent Teachers' Association of the schools within the district;

779 (iii) the municipality or county;

780 (iv) state or local law enforcement; and

781 (v) state or local traffic safety engineering.

782 (c) The committee shall:

783 (i) receive suggestions from parents, teachers, and others and recommend school
784 traffic safety improvements, boundary changes to enhance safety, and school traffic safety
785 program measures;

786 (ii) review and submit annually to the Department of Transportation and affected
787 municipalities and counties a child access routing plan for each elementary, middle, and junior
788 high school within the district;

789 (iii) consult the Utah Safety Council and the Division of Family Health Services and
790 provide training to all school children in kindergarten through grade six, within the district, on
791 school crossing safety and use; and

792 (iv) help ensure the district's compliance with rules made by the Department of
793 Transportation under Section 41-6a-303.

794 (d) The committee may establish subcommittees as needed to assist in accomplishing
795 its duties under Subsection (17)(c).

796 (e) The board shall require the school community council of each elementary, middle,
797 and junior high school within the district to develop and submit annually to the committee a
798 child access routing plan.

799 (18) (a) Each school board shall adopt and implement a comprehensive emergency
800 response plan to prevent and combat violence in its public schools, on school grounds, on its
801 school vehicles, and in connection with school-related activities or events.

802 (b) The board shall implement its plan by July 1, 2000.

803 (c) The plan shall:

804 (i) include prevention, intervention, and response components;

805 (ii) be consistent with the student conduct and discipline policies required for school
806 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

807 (iii) require inservice training for all district and school building staff on what their
808 roles are in the emergency response plan; and

809 (iv) provide for coordination with local law enforcement and other public safety
810 representatives in preventing, intervening, and responding to violence in the areas and
811 activities referred to in Subsection (18)(a).

812 (d) The State Board of Education, through the state superintendent of public
813 instruction, shall develop comprehensive emergency response plan models that local school

814 boards may use, where appropriate, to comply with Subsection (18)(a).

815 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
816 Education that its plan has been practiced at the school level and presented to and reviewed by
817 its teachers, administrators, students, and their parents and local law enforcement and public
818 safety representatives.

819 (19) (a) Each local school board may adopt an emergency response plan for the
820 treatment of sports-related injuries that occur during school sports practices and events.

821 (b) The plan may be implemented by each secondary school in the district that has a
822 sports program for students.

823 (c) The plan may:

824 (i) include emergency personnel, emergency communication, and emergency
825 equipment components;

826 (ii) require inservice training on the emergency response plan for school personnel
827 who are involved in sports programs in the district's secondary schools; and

828 (iii) provide for coordination with individuals and agency representatives who:

829 (A) are not employees of the school district; and

830 (B) would be involved in providing emergency services to students injured while
831 participating in sports events.

832 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
833 review the plan each year and make revisions when required to improve or enhance the plan.

834 (e) The State Board of Education, through the state superintendent of public
835 instruction, shall provide local school boards with an emergency plan response model that
836 local boards may use to comply with the requirements of this Subsection (19).

837 (20) A board shall do all other things necessary for the maintenance, prosperity, and
838 success of the schools and the promotion of education.

839 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

840 (i) hold a public hearing, as defined in Section 10-9a-103; and

841 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

- 842 (b) The notice of a public hearing required under Subsection (21)(a) shall:
- 843 (i) indicate the:
- 844 (A) school or schools under consideration for closure or boundary change; and
- 845 (B) date, time, and location of the public hearing; and
- 846 (ii) at least 10 days prior to the public hearing, be:
- 847 (A) published:
- 848 (I) in a newspaper of general circulation in the area; and
- 849 (II) as required in Section 45-1-101; and
- 850 (B) posted in at least three public locations within the municipality or on the district's
- 851 official website.

852 Section 6. Section **53A-11-302** is amended to read:

853 **53A-11-302. Immunizations required -- Exceptions -- Grounds for exemption**
854 **from required immunizations.**

855 (1) A student may not enter school without a certificate of immunization, except as
856 provided in this section.

857 (2) Except as provided in [~~Subsection 53A-11-1402(4)~~] Section 53A-1-1001, a
858 student who at the time of school enrollment has not been completely immunized against each
859 specified disease may attend school under a conditional enrollment if the student has received
860 one dose of each specified vaccine prior to enrollment.

861 (3) A student is exempt from receiving the required immunizations if there is
862 presented to the appropriate official of the school one or more of the following:

863 (a) a certificate from a licensed physician stating that due to the physical condition of
864 the student one or more specified immunizations would endanger the student's life or health;

865 (b) A completed form obtained at the local health department where the student
866 resides, providing:

867 (i) the information required under Subsection 53A-11-302.5(1); and

868 (ii) a statement that the person has a personal belief opposed to immunizations, which
869 is signed by one of the individuals listed in Subsection 53A-11-302(3)(c) and witnessed by the

870 local health officer or his designee; or

871 (c) a statement that the person is a bona fide member of a specified, recognized
872 religious organization whose teachings are contrary to immunizations, signed by one of the
873 following persons:

874 (i) one of the student's parents;

875 (ii) the student's guardian;

876 (iii) a legal age brother or sister of a student who has no parent or guardian; or

877 (iv) the student, if of legal age.

878 Section 7. Section **53A-11-504** is amended to read:

879 **53A-11-504. Requirement of school record for transfer of student -- Procedures.**

880 (1) Except as provided in [~~Subsection 53A-11-1402(2)(a)~~] Section 53A-1-1001, a
881 school shall request a certified copy of a transfer student's record, directly from the transfer
882 student's previous school, within 14 days after enrolling the transfer student.

883 (2) (a) Except as provided in Subsection (2)(b) and [~~Subsection 53A-11-1402(2)(b)~~]
884 Section 53A-1-1001, a school requested to forward a certified copy of a transferring student's
885 record to the new school shall comply within 30 school days of the request.

886 (b) If the record has been flagged pursuant to Section 53A-11-502, a school may not
887 forward the record to the new school and the requested school shall notify the division of the
888 request.

889 Section 8. **Repealer.**

890 This bill repeals:

891 Section **53A-11-1401, Definitions.**

892 Section **53A-11-1402, Educational records and enrollment -- Military children.**

893 Section **53A-11-1403, Eligibility -- Military children.**

894 Section **53A-11-1404, Graduation requirements -- Military children.**